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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,405	01/17/2002	Frank J. Gangi	34283-00010USP1	4099
30973	7590	06/28/2004	EXAMINER	
SCHEEF & STONE, L.L.P.			KIM, AHSHIK	
5956 SHERRY LANE				
SUITE 1400			ART UNIT	
DALLAS, TX 75225			2876	
			PAPER NUMBER	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/052,405

Applicant(s)

GANGI, FRANK J.

Examiner

Ahshik Kim

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/8/04 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-20 and 22-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-20 and 22-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed on April 8, 2004. In the amendment  
5 claims 8, 11, 12, 17, 19, 20, 22, 23, 25, and 36 were amended. Currently, claims 8-20 and 22-51  
remain for examination.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
10 basis for the rejections under this section made in this Office action:

15 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed  
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for  
patent by another filed in the United States before the invention by the applicant for patent, except that an  
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this  
subsection of an application filed in the United States only if the international application designated the United  
States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8-20, and 22-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis  
et al. (US 6,282,522, hereinafter "Davis").

20 Re claims 8, 9, 17, 24, 27, 29, 31, 35, 38-40, and 46-49, Davis teaches a system and the  
method for purchase and other transaction (see abstract). The infrastructure, as shown in figure 4  
and 16, includes authentication server and customer database (col. 24, line 61 – col. 25, line 13)  
and payment server and transaction database. Input device used in the system varies from ATM  
machine to a point-of-sales terminal at retailers (col. 3, lines 26+).

25 Re claims 10, 32, 33, and 36, the database contains customer information such as  
customer's name associated with the card (col. 25, lines 8+).

Art Unit: 2876

Re claims 11-13, 26, and 37, the ATM or the card reader integrated with POS terminal contains input device (card reader) and an output device such as display device or printer (col. 3, lines 26+).

Re claims 14 and 15, each transaction initiated by the user has a transaction ID (col. 13, lines 55+; col.19, lines 49-64).

Re claims 16, the system includes various network to support transaction system over the Internet (col. 5, lines 55+; col. 10, lines 44-49).

Re claims 18, 42, and 43, the system interfaces with variety of input device for the users to enter their identification number or scan biometric information (col. 27, lines 36-48).

Re claims 19, 30, and 41, throughout the transaction, the users are notified with appropriate messages (col. 10, lines 53+). Further, messages are exchanged among the servers – payment, transaction, and merchant servers for completing transaction.

Re claims 20 and 28, the system also provides discount offer, awards and other incentives (col. 9, lines 15-29).

Re claims 22, 23, 34, 44, 45, 50, and 51, customer can select appropriate account for a given transaction. For a purchase, a customer's bank account may be used (col. 14, line 53 - col. 15, line 9). Or, purchase can be paid out of points account the customer accrued (col. 24, lines 54+). Bank accounts and frequent flyer account would contain not only consumer data, but provider information as well.

Re claim 25, authentication server 206' can be considered a central server with respect to customer's personal data (see figure 16).

*Response to Arguments*

4. Applicant's amended claims and remarks filed on April 8, 2004 have been fully considered, but for the reasons below, it is the Examiner's view that Davis still discloses what Applicant claims in the instant application.

5 Applicant argues that the presented claims are distinct from Davis' disclosure because Applicant claims "(1) a central server configured for storing personal data associated with (2) each multiple persons, wherein (3) the data is entered and controlled by the person himself, (3) which person may himself associate selected portions of personal data with a selected provider, and retrieved via a (5) point-of-service terminal." Applicant further argues that Davis discloses  
10 storing personal data in a smart card for transacting business via the Internet (page 12 of the remarks).

It is the Examiner's view that Davis numerously refers to a "terminal" (see abstract; and the entire document). Internet is an underlying infrastructure for the system. In fact, Applicant discloses a similar communication infrastructure as disclosed in figure 6 (page 11 of the  
15 specification and thereafter). Accordingly, even if Davis recites and emphasizes "Internet", there has to be an interface device for the consumer/user to initiate a transaction, which is a terminal 204. Therefore, Davis does not necessarily teach away from using terminals. In fact, client terminal 204 or other terminals 214 and 216 are integral parts of the system.

In one of many embodiments, Davis discloses a remote database of personal information,  
20 and the users accesses/controls stored information utilizing their card (col. 24, line 54 – col. 26, line 18). The card number is associated with the consumers' name and allows the consumer to

Art Unit: 2876

perform desired transactions. The personal information such as balance or points would be updated afterwards.

The amended claims and remarks describing these elements have been fully considered, but they are not persuasive, and therefore, the Examiner has made this Office Action final.

5

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
15 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahshik Kim whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday. The fax number directly to the Examiner is (571)273-2393.

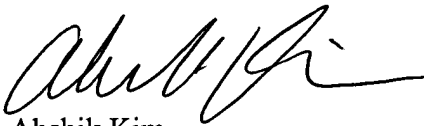
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (703)872-9306.

Art Unit: 2876

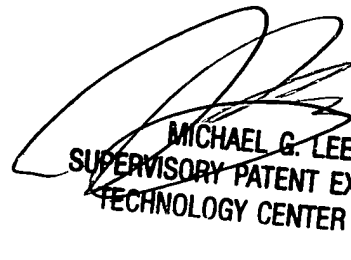
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

5 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

10 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



15 Ahshik Kim  
Patent Examiner  
Art Unit 2876  
June 18, 2004



MICHAEL G. LEE  
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